

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FREDERICK BANKS,

Plaintiff,

vs.

DR. R. PARTYKA, et al.,

Defendants.

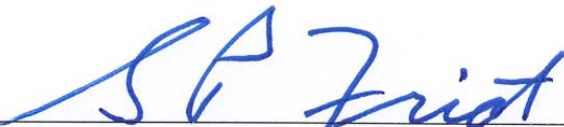
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Case No. CIV-07-0331-F

ORDER

Plaintiff has filed a motion to proceed *in forma pauperis* in this appeal. (Doc. no. 19.) Pursuant to 28 U.S.C. § 1915(a)(3), a litigant is not entitled to proceed *in forma pauperis* on appeal if the appeal is not taken in good faith. An appeal is not taken in good faith if the issues presented are frivolous in that they involve inarguable legal issues. See Neitzke v. Williams, 490 U.S. 319, 325 (1989). Having reviewed the motion, the court finds that the appeal is not taken in good faith and is frivolous because it involves inarguable legal conclusions. (See reasoning stated in the Report and Recommendation, doc. no. 13, adopted by the court, doc. no. 15). Accordingly, the court finds that plaintiff is not entitled to proceed without payment of the filing fee, and his motion is **DENIED**. Plaintiff is advised that unless he pays the \$455 appellate filing fee, in full, to the clerk of this court within 30 days of the date of this order, his action may be subject to dismissal by the appellate court.

Dated this 22nd day of October, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE